App. F. IX-4

Presented

Previous References

1932.
(Muzrai)

File No. 331 - 3

M.Rz 56-30-1-4

Serial Nos. 1-4.

Later References

General and Revenue Secretariat.

Serial Nos. 4

Part B for January 34.

SUBJECT.

Review application re Dyave Gowda & others claim to take Sri Kattarighatta dam site to Vagavathi and Baladevi - Channarayapatna Taluk for annual Rathotsavam.

6.

The Mlez Cmer

M 961 P 12-1-34.

Rejected petition

S/14

General and Revenue Secretariat

Mug File No. Mug Revised Rs of 32-33 Rec: 26-4-33 Amt. of Petition for Sri Kallaiah [illegible] of 1932-3 in Tumkur Dist.

Serial No.

1

Petition of 15-6-1933 filed by Mr. C. Lakshmana C, Addn Advocate for Byava Gowda Patel of Vaganahalli & Baladare Channarayapatna Taluk praying for a review of decision in Mug Appl 59 of 30-31 on the file of this Court in the matter of taking Kallaiah Gowda of Vaganahalli and Baladare of Channarayapatna Taluk for an annual Rathotsava purposes.

Minutes in Finish Member of Council of 15/6/33 on the B. U. D:-

I am not sure if the order needs reconsideration. Mr. Lakshmana Gowda however particularly requests that the case may be heard again.

Mug Reconsideration;

Mug 58-30-4 relative to the decision communicated on 3/6/33 is put up for orders.

~~[illegible]~~

Noted for order.

GN 19/6 20

Kind reference is invited to the first Members minutes on pages 4, 5, 6, 7 & 8 from which it will be seen that all due consideration has been shown already. The request in the present petition

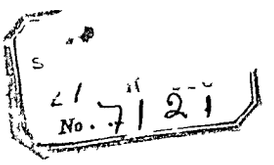
Of the notes in the linked file perhaps

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

Inam Revn 25 of 32-33 re: appellants claiming Palm Fri kalgars to their villages - Commissioner

File No. 331 1311 of 193 (Revenue) General Secretariat



Is for orders.

II Member)

27/4/33

The 1st member (Hon'ble Dewan) has stated the case may be recandered may be posted for hearing

SPR 27/4

Posted to Saturday 1 P.M. the 27th May 1933

28/4

In the appeal stage the records connected with the case were called for, & after the disposal of the case, they were returned. As a necessity may arise to refer to the records during the course of the hearing, the D.O. calling for the same is prepared for orders —

GS 10/5

10/5

D.O. Letter No. 1642 of 11/5/33 to the Inam Commissioner calling for records connected with the case — (S)

Records called for were received on 15th & have been placed here under — GS 24/5

Mr Lakshmana Gowda was present & heard Respts absent though served. Orders reserved

SPR 28/10/33

Posted to Saturday the 21st Oct 1933

File No 332 of 1932.

Serial No.

Order

This is a review practically a review application. The order of the then first member has gone into the merits of the case fully The The petn is rejected

J.
28/12
A
2/1/34

Order noted
GS
2/1/34

For approval
J
5/1/34

Secy)

2

A 5.1.34.
J
6/1/34

J
8/1/34

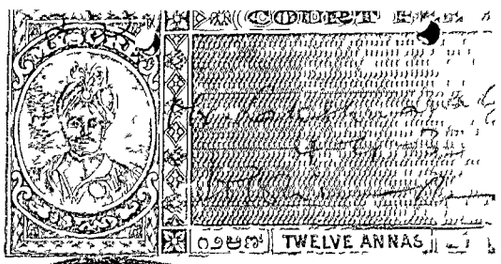
4 No 961 dy 12-1 34 to the Advocate Commissioner intimating the decision in the Review Case No 962 dy 12 1.34 to Mrs C. Lakshmanna Govt Advocate forthe applicants, forwarding Copy of the orders on the review petition referred to therein,

B
27. A 34

DTL—Contn. Sheet

File No. of 193 .

General and Revenue Secretariat



15 APR. 1933
M.226

GENL. & REV. SECTIONS
1094
17 APR. 1933

Before the Govt. of H.H. the Maharaja of Mysore.

No 25982-33

Review Petition in re Muz. Ap. 5 of 30-31.

Mus 331-32

Applts.	Respts.
Dyave Gouda &c.	vs. Mari Gouda &c.

The applts. above-named most respectfully pray the Govt. will be pleased to review the order d. 30-3-1933 passed in the above appeal for the following reasons:-

I am not sure if the order needs reconsideration. If Mr. Lakshmana Gowda, Councillor Sahib requests that the case may be heard again, may be reconsidered.

1. In so far as the order refers to the failure of the applts. to come to an amicable understanding, the order is really tantamount to rewarding recalcitrancy, as the Govt. (1st Councillor Sahib) knows full well that the applts. have been throughout ready and willing to accept any fair terms and have offered terms to the respdts. as actually intimated to Govt. by counsel's letter d. 11-8-31, but the respdts. have deliberately failed to respond, and in fact contumaciously absented themselves after the 1st regular hearing when the Councillor Sahib was pleased to express his opinion - in accordance with the record and particularly the finding of the Munsiff of Holenarsipur in O.S. 11 of 1923-24 as per print record filed by the applts. - in favour of the applts' case and suggesting a compromise.

9/15/4

2. The applts. respectfully submit that there

(P.T.O.)

is a mistake in the order in referring to the case as having been argued by Mr. K. Shamanna on 27-7-1931, as what happened on that day was that after applts' counsel opened his case the Councillor was pleased to express a strong opinion in favour of the existence and recognition of the applts' rights and suggested a compromise, and applts' counsel expressed his willingness to consent to any fair terms, Mr. K. Shamanna agreed that he would see to it, that an understanding was come to. On the next date of hearing, viz., 25-4-32, the respts. though duly served, absented themselves, with the result that the appeal was heard ex parte. Counsel then read the draft terms and satisfied the Councillor Sahib that they comprised terms less favourable to the applts. than what the mamool was.

3. The reference in the ~~ada~~ order to "introducing an innovation" is, also not correct, and there is no force in referring to the orders of the Deputy Commissioner and Muzrai Commissioner as being concurrent, as there can be no question that the applts' prayer is in accordance with the mamool: the orders of the Deputy Commissioner and the Muzrai Commissioner merely say that the alleged rights of the applts. have been in disuse for the past 16 years, but do not negative the rights, and further, as set forth in ground No. 1 of the memo. of appeal, the orderes are vitiated by the obvious failure to notice that out of the said 16 years, 10 years are actually the period during which the matter had been pending decision before the Muzrai Authorities, viz., from 5-4-1912 the date of filing the petition which initiated the present proceedings to 11-7-1922 the date of the Deputy Commissioner's order.

4. The applts. most respectfully submit ~~that~~ - apparently owing to the long interval between the hearing and the passing of the order, in the course of which, much that transpired at and between the hearings have been lost sight of - a clear failure of justice has occured in the case, and that the applts. have been ~~xxxx~~ rendered helpless in respect of their just rights through no fault of theirs, and therefore humbly pray that the order may be reviewed and a fresh order as indicated above passed, after giving a hearing to both parties.

Chelvanayagam & Gnanadesikan

Adv. for applts.

15-4-1933.

Appendix F G—1]

SUBJECT .....

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.....

Leading

Diary No. of letter replied to 1094

General and Revenue Secretariat

( )

the *193* .

Date of issue 11/5/33

Signed by B. Mudaliar

List of enclosures 1115 (2)

Copied by .....

Examined by .....

The records are required in connection with a review petition for hearing on the 27th May 1933.

Immediate

Section Rev

File No. 1-32

Serial No. 2

No. 1642

To The M.C

Dear Sir,

I am desired to request you to send forward before the 23rd inst. ~~month~~ the entire records returned with this office letter No 1395/Rev 56-30 dt 3/4/33 communicating the decision in Rev Appl No 50 of 30-31 re: Taking Kallaigrahadamanam of Vagaranahalli & Bukkadarayanapura villages - Channarayapatna T.K.

Yours &c

9/10/5

For H Sec

WD 0253—GPB—15,000—28-8-32

No. 1303 Rec 27/5 OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,
3 2-33

Bangalore,..... 26th May... 1933.

Comm ssioner.

Any No. 1311 Mus 18

FROM

S. HIRIANNAIYA, ESQ., M.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

Mg 331-32-3

FINANCIAL S... 26 MAY ... No.

C. Shamanna, Esq., B.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
Financial Department.

II member) 26/5/33

SIR,

Re: the right of taking the idol of Kathrigattadammadevaru to Nagarahalli and Baladare villages in Channarayapatna Taluk.

In continuation of this office letter No.C.1303/32-33 dated 28-5-33 on the above subject, I have the honor to forward herewith the entire records received with the Hassan District Deputy Commissioner's letter No.C.2055-32 dated 25-5-33 (copy enclosed), and to state that the facts of the case have been fully explained in this office file No.R.69/22-23 dated 23-2-23 herein enclosed.

I have the honor to be,
Sir,
Your most obedient servant,

For Muzrai Commissioner.

Letter No.Muz.C.2055-32 dated 25-5-33 from the Deputy Commissioner, Hassan District, to the Muzrai Commissioner in Mysore.

Subject:- Re: the right of taking the idol of Kathrigattadamma devaru to Vagaranahalli and Baldare village in Channarayapatna Taluk.

With reference to your Memo No.352/30-31 dated 16-5-33 on the above subject, I have the honor to forward herewith the connected records ending with Channarayapatna Taluk Amildar's report No.C.3.173-32 dated 18-5-33.

"COPY"

For Muzrai Commissioner.

(G)

Before the Government of His Highness the Maharaja of Mysore.

Mug Review ~~Appeal No.~~ 25 of 1932 ~~or~~ 33.

Appellant

Vs.

Respondents

Patel Dyave Gowda of Vagenahalli - Channarayapatna Tk.

Patel Hari Gowda alias Kale Gowda & others of Kallarighatta Dandigenahalli Hobli Channarayapatna Tk.

Subject.

Prayer for a review of the decision passed in Mug Appl No 5 of 1930-31 in regard to the rights of the applicants to take the idol of Kallarigmatha dharma to their respective villages for annual Rathotsava.

The case was called on Saturday the 28th Oct 1933

Mr. C. Lakshmana Gowda Advocate for the applicants was present and was heard. The respondents though served were absent.

Order

No new grounds were urged

GPE—1,000—8.8-11

of the orders already passed in the matter
review petn is therefore rejected.

962/Mcg 331-32-4 Ex on 42 files & 124.
Cdg. to-mr. Govt Advt Ex
Advocate for the applicants.

B.O

5/11/34 or 4 (sce

961/Mcg 12-1-34 Records received
Cdg to m.c. returning
with this letter No 1303/32-33 & 26.5.3

B.O

5/11/34 or 4 (sce. 5.1.34

4-1
2/1/34